

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

THOMSON REUTERS ENTERPRISE)	
CENTRE GMBH and WEST PUBLISHING)	
CORPORATION,)	
)	C.A. No. 20-613-SB
Plaintiffs/Counterdefendants,)	
)	JURY TRIAL DEMANDED
v.)	
)	
ROSS INTELLIGENCE INC.,)	PUBLIC VERSION
)	
Defendant/Counterclaimant.)	

**SUPPLEMENTAL DECLARATION OF JACOB CANTER IN SUPPORT OF
DEFENDANT/COUNTERCLAIMANT ROSS INTELLIGENCE INC.'S
MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO THOMSON
REUTERS' RENEWED MOTION FOR
PARTIAL SUMMARY JUDGMENT ON FAIR USE**

OF COUNSEL:

Warrington S. Parker III
Joachim B. Steinberg
Jacob Canter
CROWELL & MORING LLP
3 Embarcadero Ctr., 26th Floor
San Francisco, CA 94111
Tel: (415) 986-2800

Keith J. Harrison
Crinesha B. Berry
CROWELL & MORING LLP
1001 Pennsylvania Avenue NW
Washington, DC 20004
Tel: (202) 624-2500

David E. Moore (#3983)
Bindu A. Palapura (#5370)
Andrew L. Brown (#6766)
POTTER ANDERSON & CORROON LLP
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19801
Tel: (302) 984-6000
dmoore@potteranderson.com
bpalapura@potteranderson.com
abrown@potteranderson.com

*Attorneys for Defendant/Counterclaimant
ROSS Intelligence, Inc.*

Dated: October 30, 2024
11851903 / 20516.00001

Public Version Dated: November 6, 2024

I, Jacob Canter, declare as follows:

1. I am Counsel at Crowell & Moring, LLP, and on the legal team for ROSS Intelligence, Inc. I am an attorney, admitted to the bar of the states of California and District of Columbia and have been admitted *pro hac vice* to appear before this Court. I submit this Declaration in support of Defendant/Counterclaimant ROSS Intelligence Inc.'s ("ROSS") Memorandum of Points and Authorities in Opposition to Thomson Reuters' Renewed Motion for Partial Summary Judgment on Fair Use. I have personal knowledge of the facts set forth below and, if called to testify, I could and would testify competently to the below.

2. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts from the deposition transcript of Jimoh Ovbiagele (April 12, 2022). ROSS has designated portions of this transcript as highly confidential.

3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the deposition transcript of Andrew Arruda (March 30, 2022). ROSS has designated portions of this transcript as highly confidential.

4. Attached hereto as **Exhibit 3** is a true and correct copy of the "Statement of Work II for Ross Bulk Memos" entered into between ROSS and LegalEase, TR-0000568 (September 15, 2017), produced by Plaintiffs in this litigation.

5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the deposition transcript of Tariq Hafeez (May 26, 2022). Portions of this transcript have been designated as highly confidential.

6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the deposition transcript of Christopher Cahn (May 1, 2022). Portions of this transcript have been designated as highly confidential.

7. Attached hereto as **Exhibit 6** is a true and correct copy of the “Statement of Work II for Ross Bulk Memos” entered into between LegalEase and Morae, TR-0039943 (October 5, 2017), produced by Plaintiffs in this litigation.

8. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts from the deposition transcript of Teri Whitehead (April 18, 2022). Portions of this transcript have been designated as highly confidential.

9. Attached hereto as **Exhibit 8** is a true and correct copy of the Best Practices Guide for ROSS Intelligence, LEGALEASE-00078065 (September 18, 2017), produced by LegalEase in this litigation and cited by Plaintiffs in their opening brief.

10. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from the deposition transcript of Tomas van der Heijden (March 17, 2022). ROSS has designated portions of this transcript as highly confidential.

11. Attached hereto as **Exhibit 10** is a true and correct copy of an email from Merin Sony with the subject line “ROSS Bulk Memo – July 21, 2017,” R-LEGALEASE-00550673 (July 20, 2017), produced by LegalEase in this litigation. LegalEase has designated this document as confidential.

12. Attached hereto as **Exhibit 11** is a true and correct copy of an email from Chad with the subject line “Westlaw logins,” TR-0047926, produced by Plaintiffs in this litigation.

13. Attached hereto as **Exhibit 12** is a true and correct copy of the Project Rose, Project Protocol, LEGALEASE-00093066 (November 19, 2017), produced by LegalEase in this litigation.

14. Attached hereto as **Exhibit 13** is a true and correct copy of a series of website platform screenshots, bearing the Bates stamped R-LEGALEASE-00189134, produced by LegalEase in this litigation.

15. Attached hereto as **Exhibit 14** is a true and correct copy of an email from Teri Whitehead with the subject line “Good / Great Questions,” TR-0073545 (October 24, 2017), produced by Plaintiffs in this litigation. Plaintiffs have designated this document as confidential.

16. Attached hereto as **Exhibit 15** is a true and correct copy of excerpts from the deposition transcript of Isabelle Moulinier (July 1, 2022). Plaintiffs have designated portions of this transcript as highly confidential.

17. Attached hereto as **Exhibit 16** is a true and correct copy of a ROSS blog post entitled “How is Natural Language Search Changing the Face of Legal Research?” (April 8, 2019). This document was cited by Plaintiffs in their opening brief.

18. Attached hereto as **Exhibit 17** is a true and correct copy of the Opening Expert Report of Dr. Jonathan L. Krein (August 1, 2022). This report has been designated highly confidential.

19. Attached hereto as **Exhibit 18** is a true and correct copy of excerpts from the deposition transcript of Alan Cox (November 2, 2022). ROSS has designated portions of this transcript as highly confidential.

20. Attached hereto as **Exhibit 19** is a true and correct copy of excerpts from the deposition transcript of James Malackowski (November 4, 2022). Plaintiffs have designated portions of this transcript as highly confidential.

21. Attached hereto as **Exhibit 20** is a true and correct copy of ROSS’s Supplemental Responses and Objections to Plaintiffs’ Set of Interrogatories (Supplemental Response to Interrogatory Nos. 11 & 12 Only) (September 14, 2022). ROSS has designated portions of this interrogatory response as highly confidential.

22. Attached hereto as **Exhibit 21** is a true and correct copy of a document entitled

“Vetting Customers – High Usage and Competitors,” TR-0908413, produced by Plaintiffs in this litigation. Plaintiffs have designated this document as highly confidential.

23. Attached hereto as **Exhibit 22** is a true and correct copy of a document entitled “West Publishing Turns 150 – Comms Plans,” TRCC-00618557 (April 19, 2022), produced by Plaintiffs in this litigation. Plaintiffs have designated this document as highly confidential.

24. Attached hereto as **Exhibit 23** is a true and correct copy of excerpts from the deposition transcript of Khalid Al-Kofahi (April 8, 2022). Plaintiffs have designated portions of this transcript as highly confidential.

25. Attached hereto as **Exhibit 24** is a true and correct copy of a document entitled “Westlaw Edge, The Stand for Legal Research,” TR-0477495, produced by Plaintiffs in this litigation. Plaintiffs have designated this document as confidential.

26. Attached hereto as **Exhibit 25** is a true and correct copy of a document entitled “West Publishing Turns 150, Commemorating 150 Years of Customer Driven Innovation,” TRCC-00608822 (August 2022), produced by Plaintiffs in this litigation. Plaintiffs have designated this document as highly confidential.

27. Attached hereto as **Exhibit 26** is a true and correct copy of a document entitled “WestlawNext, WestSearch, Westlaw Next Search Technology,” TR-0433738, produced by Plaintiffs in this litigation. Plaintiffs have designated this document as confidential.

28. Attached hereto as **Exhibit 27** is a true and correct copy of a document entitled “Westlaw Next, WestSearch: The World’s Most Advance Legal Search Engine,” TR-04568869, produced by Plaintiffs in this litigation. Plaintiffs have designated this document as confidential.

29. Attached hereto as **Exhibit 28** is a true and correct copy of an article entitled “WestSearch Plus: A Non-Factoid Question-Answering System for the Legal Domain,” TR-

0908443, produced by Plaintiffs in this litigation. Plaintiffs have designated this document as highly confidential.

30. Attached hereto as **Exhibit 29** is a true and correct copy of a deck entitled “Westlaw Edge, The Most Intelligent Legal Research Platform Ever, 2019 Funding Request – Draft,” TRCC-00988301 (September 2018), produced by Plaintiffs in this litigation. Plaintiffs have designated this document as highly confidential.

31. Attached hereto as **Exhibit 30** is a true and correct copy of Plaintiffs and Counterdefendants Thomson Reuters Enterprise Centre GmbH and West Publishing Corporation’s Responses and Objections to ROSS’s First Set of Requests for Admissions (Nos. 1-129) (April 6, 2022). Plaintiffs have designated portions of their responses as highly confidential.

32. Attached hereto as **Exhibit 31** is a true and correct copy of Plaintiffs and Counterdefendants Thomson Reuters Enterprise Centre GmbH and West Publishing Corporation’s Second Supplemental Responses and Objections to ROSS’s Interrogatory No. 21 (June 9, 2022). Plaintiffs have designated portions of their responses as highly confidential.

33. Attached hereto as **Exhibit 32** is a true and correct copy of a document entitled “WestlawNext, Searching with Topic and Key Numbers, Retrieving Cases on WestlawNext,” TR-0179830, produced by Plaintiffs in this litigation.

34. Attached hereto as **Exhibit 33** is a true and correct copy of a document entitled “WestlawNext, West Key Number System on Westlaw Next,” TR-0179843, produced by Plaintiffs in this litigation.

35. Attached hereto as **Exhibit 34** is a true and correct copy of excerpts from the deposition transcript of Andrew Martens (March 25, 2022). Plaintiffs have designated this document as highly confidential.

36. Attached hereto as **Exhibit 35** is a true and correct copy of a document entitled “Why Westlaw Classic,” TR-0432528, produced by Plaintiffs in this litigation. Plaintiffs have designated this document as confidential.

37. Attached hereto as **Exhibit 36** is a true and correct copy of excerpts from the deposition transcript of Laurie Oliver (March 30, 2022). Plaintiffs have designated portions of this transcript as highly confidential.

38. Attached hereto as **Exhibit 37** is a true and correct copy of a document entitled “Thomson Reuters’s Editorial Manual, Policies and Guidelines for Headnoting, Judicial Editorial,” TR-0002864, produced by Plaintiffs in this litigation. Plaintiffs have designated this document as highly confidential.

39. Attached hereto as **Exhibit 38** is a true and correct copy of a document entitled “Thomson Reuters Summarization Manual, Judicial Editorial,” TR-0040273, produced by Plaintiffs in this litigation. Plaintiffs have designated this document as highly confidential.

40. Attached hereto as **Exhibit 39** is a true and correct copy of Library of Congress, Copyright Office of United States Certification of copyright claim identified as Group Registration for Automated Database Titled “WestlawNext”; Unpublished Updated April 1, 2019 Through June 30, 2019; Representative Creation Date; June 5, 2019; Updated Daily, TR-0034557 (August 22, 2020), produced by Plaintiffs in this litigation.

41. Attached hereto as **Exhibit 40** is a true and correct copy of the Copy of Deposit, TXu 2-178-620 (00501678120), TR-0026188, produced by Plaintiffs in this litigation.

42. Attached hereto as **Exhibit 41** is a true and correct copy of a document entitled “West’s Analysis of American Law, 2018 Edition,” TR-0523445, produced by Plaintiffs in this litigation.

43. Attached hereto as **Exhibit 42** is a true and correct copy of excerpts from the Transcript of the Pretrial Conference (August 6, 2024) from this litigation.

44. Attached hereto as **Exhibit 43** is a true and correct copy of Appendix B to the Supplemental Expert report of Dr. Jonathan L. Krein (August 11, 2024). This appendix has been designated as highly confidential. The report that this appendix is attached to was produced by ROSS in its opening summary judgment brief as exhibit 15.

45. Attached hereto as **Exhibit 44** is a true and correct copy of a deck entitled “Thomson Reuters Westlaw,” TRCC-00686613 (October 30, 2020), produced by Plaintiffs in this litigation. Plaintiffs have designated this document as highly confidential.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed in San Francisco, California, on this 30th day of October, 2024.

/s/ Jacob Canter

Jacob Canter